

BOSTON REDEVELOPMENT AUTHORITY ·

REPORT AND DECISION ON THE APPLICATION OF JAMAICA PLAIN  
ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT  
UNDER MASSACHUSETTS GENERAL LAWS (TER.ED.), AS AMENDED, AND  
CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND  
CARRIED OUT BY A LIMITED PARTNERSHIP FORMED UNDER MASSACHUSETTS  
GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN  
REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

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A) The Hearing: A public hearing was held at 2:00 P.M. on February 20, 1975, in the offices of the Boston Redevelopment Authority, (hereinafter called the "Authority"), at the New City Hall, Room No. 921, Boston, Massachusetts, by the Authority on an Application, (hereinafter called the "Application"), filed by Frederic, S. Clayton and Douglas DeRusha for Jamaica Plain Associates, (hereinafter called the "Applicants"), for Authorization and Approval of a Redevelopment Project Under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on February 4, 1975, and February 11, 1975, in the Boston-Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for Securing the Approval of Chapter 121A Projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended, Robert L. Farrell, Chairman of the Authority, and Joseph J. Walsh, James G. Colbert, Paul J. Burns and James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project: The Project consists of the construction, operation and maintenance of the Limited Partnership under Chapter 121A of approximately 147 dwelling units designed for elderly occupancy and appurtenant facilities on a parcel of land located on Centre Street in Jamaica Plain between Beaufort Road and Lockstead Avenue. The premises on which the Project is to be located are hereinafter referred to as the "Project Area". The Project is to be financed by the Massachusetts Housing Finance Agency.

The Applicants propose to build the following structure on the Project Area, which includes 69,500 sq. ft. (1.6 acres).

There is to be constructed approximately 147 dwelling units in one structure with a building height that steps up from 3 to 8 stories and appurtenant facilities. The unit composition will be as follows:

130 one-bedroom units  
17 two-bedroom units

The appurtenant facilities will include landscaping, walks, driveways, community rooms and spaces, roof decks and outdoor parking facilities for thirty (30) parking spaces. The makeup and design of the project are fully shown on the Plans filed herewith as Exhibits G and H.



C. Authority Action: In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the Hearing, the Exhibits offered in evidence at the Hearing and the arguments and statements made at the Hearing. The staff of the Authority have also viewed the Project Area and have participated at several community meetings which were attended by the developer and representatives of MHFA and which resulted in various modifications in accordance with community concern. In particular, it has been determined that modification of building placement sufficiently remedied any detrimental height condition.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, operation and maintenance of decent, safe and sanitary residential buildings and appurtenant facilities.

D. Project Area Substandard, Decadent and Blighted Open:

The Project Area, which is predominantly an open area, constitutes a blighted open area. Site improvements in the Project Area have markedly deteriorated over the past few years, with only two vacant and dilapidated buildings remaining in poor condition. The undeveloped area of which no use is now being made constitutes a detriment to the safety, health, morals, welfare and sound growth of the community because it is unduly costly to develop the Project Area solely through the ordinary operations of private enterprise. This is evidenced by the fact that no use has been made of the site and the structures thereon in recent years and by virtue of the existence of a strip of land owned by the abutting charitable institution which divides the frontage on Centre Street and interrupts the continuity of the developable parcels on Centre Street. A cessation has occurred of the former use made of the Project Area for commercial purposes, and the abandoned buildings in and of themselves are inimical to health, safety, morals, welfare, and sound growth of the community.

The conditions warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a Project within the meaning of that law.

The purpose of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by this Project. The demand for decent, safe, and sanitary housing for elderly persons and families at rental levels below those which conventional operations of the real estate market procedures in this area of the City is recognized. The Project will be occupied by families of low and moderate income and approximately 25% of the units will be made available pursuant to a long-term agreement with the Boston Housing Authority to low income families who will receive rent subsidies. The Project will provide adequate financial return to the City of Boston and will substantially increase the tax yield from the Project Area. Exhibit E of the Application sets forth the amounts to be paid by the Agreement to the City of Boston in addition to the excise tax prescribed by Section 10 of Chapter 121A. In summary, the agreement provides that the Applicant will pay approximately 15% of the gross rents of the Project on account of taxes in each of the forty (40) calendar years next following the year in which construction is completed. Exhibit E of this Application is attached only for illustrative purposes. The Contract concerning the tax arrangement for the Project is between the City and the developer. Approval of this Report and Decision does not bind the Authority, the City or the Developer to the terms and conditions of Exhibit E.



E. Cost of Project: In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost is \$4,540,000. The Project is to be built under a mortgage financing program of the Massachusetts Housing Finance Agency and subsidized with mortgage interest subsidy for all of the apartments pursuant to that Agency's statute. The Application contains a form of Partnership Agreement illustrating, in a general fashion, the organization framework of the Partnership to be called Jamaica Plain Associates. Experience with similar financing and organizational methods persuades the Authority that the financing program is realistic:

F. Consistency With Master Plan: It has been determined that the Project does not conflict with the Master Plan of the City of Boston since the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project: The Project will not be detrimental to the best interests of the public or the City or to the public safety or conscience or be inconsistent with the most suitable development of the City. The carrying out of the Project will replace the present blighted conditions of the Project Area with suitable accommodation for elderly persons, of which there is presently a recognized shortage in the general area. The design and proposed occupancy of the Project have been reviewed by the Design Review Staff of the Authority and are subject to further Design Review. Design and Planning Staff have taken community reaction to the Project in consideration. The Authority finds that the Project will enhance the general appearance of the Area and furnish attractive and necessary living accommodations. The Project will eliminate a blighting influence on other residential properties in the area.

The Project does not include land within any location approved by the Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

The carrying out of the Project will not of itself involve the destruction of the buildings occupied in whole or in part as dwellings, since the two structures located in the Project Area are vacant commercial structures.

H. Environmental Considerations. Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

1. The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.
2. No natural or man-made places are affected by the Project.
3. The Project affects no archeological or historic features.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area serves no rare or endangered wildlife or fish species.
6. The site is urban and contains no significant fish, wildlife or plant life.
7. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.



8. The Project does not involve the disposal of potentially hazardous materials.
9. The Project does not involve the construction of facilities in a flood plain.
10. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise.
11. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.
12. The Project does not affect an area of important scenic value.

The Applicant has submitted an Environmental Assessment Form to and received approval from the Massachusetts Housing Finance Agency. The Authority has reviewed the Environmental Impact of the Project pursuant to Sections 61 and 62 of Chapter 30 of the Massachusetts General Laws and adopts the Environmental Assessment Form as submitted and hereby determines that the project would not cause any significant environmental damage. The Environmental Assessment Form has also been submitted to the Secretary of Environmental Affairs, who has determined that the decision not to prepare an environmental impact report adequately and properly complies with provisions of the state regulations. The Authority concurs in the Secretary's findings and has determined that in view of that finding all requirements of state law have been satisfied and no additional publication will be made concerning the environmental evaluation of this project.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project, as set forth in Exhibit D filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit D, the Authority hereby requires that the Applicant, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary appropriate; (2) submit to the Authority for its review and approval such Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.



The Project does not involve the construction of units which constitute a single building under the Boston Building Code and Zoning Laws, and the carrying out of the Project will not require a declaration by the Authority, with the approval of the Mayor, that such units constitute separate buildings for the purpose of Chapter 138 of the General Laws.

J. Zoning Deviations. Exhibit C filed with and attached to the Application lists the Zoning. For the reasons set forth in the Application and supporting Documents, including said Exhibit C, and on the basis of the evidence presented at the Hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may be granted without substantially derogating from the intent and purposes of the applicable Laws, Codes, Ordinances and Regulations, respectively.

Paragraph F of Exhibit C to the Application has been amended at the request of the Authority planning staff. The Authority staff considered the original language in Paragraph F to be too broad in establishing possible uses of the ground floor commercial space which allowed uses that may not be in the best interest of the immediate neighborhood. The developer has suggested language limiting the scope of possible commercial uses in accordance with the Authority's recommendations. The revised deviations have been reviewed and approved by the Authority and have been determined to be minor modifications not requiring an additional public hearing.

The project is located in three zones, R.5, R.8 and L.5. Permission is required to deviate from the requirements of the zoning code as they apply to the Project Area as follows:

1. Minimum land lot size. The Project Area consists of 69,455 square feet. The Boston Zoning Code requires on an R.5, 146,000 square feet and on R.8, 60,500 square feet and on L.5, 95,000 square feet for a Project of the size and use proposed by the Applicants. The minimum lot size in the Zoning districts is 87,120 square feet, 5,000 square feet and 5,000 square feet respectively. Permission is requested to so deviate.

2. Floor Area Ratio. The Boston zoning code in an R.5 district requires a floor area ratio of .5, in an R.8, .8 and in an L.5 district .5. The Project, as proposed by the Applicants requires a floor area ratio of 1.78. Permission to so deviate is requested.

3. Building height. Article 16 of the Boston Zoning Code requires a 35 foot building height in an R.5, R.8 and an L.5 zoning district. The Project, as proposed by the Applicants is 70 feet high. Permission is requested to so deviate.

4. Article 18 of the Boston Zoning Code requires a front yard in an R.5 district of 25 feet, in an R.8 district of 20 feet, and in an L.5 district of 15 or 25 feet. The Project as proposed by the Applicants contains a front yard of 6 feet at its smallest point. Permission is requested to so deviate.



5. Article 20 of the Boston Zoning Code requires a rear yard of 40 feet in R.5 and R.8 districts and 40 or 30 feet in an L.5 district. The Project as proposed by the Applicants could be construed as having no rear yard as defined by the City of Boston Zoning Code. Permission is requested to so deviate.

6. Article 8 of the Boston Zoning Code forbids multi-family dwellings in an R.5 district while allowing the same in an R.8 and an L.5 district. Article 8 further forbids or conditions the use of portions of the Project Area for use for retail business, catering, professional office, real estate office, bank and service establishments and drive-in banks, all of which uses are contemplated as possible uses of the ground floor commercial space contained in the Project as proposed by the Applicants. Permission is requested to deviate from the requirements of Article 8 to allow the construction of the Project as a multi-family dwelling and the use of the ground floor commercial space for the above-described uses.

7. Article 23 of the Boston Zoning Code would require the provision of 45 parking spaces in the Project Area. The Project, as proposed by the Applicant contains 30 outdoor parking spaces. Permission is requested to deviate from Article 23 to allow the Applicants to provide 30 parking spaces.

FIRST AMENDMENT TO APPLICATION BY FREDERICK S. CLAYTON AND DOUGLAS DERUSHA  
TO BOSTON REDEVELOPMENT AUTHORITY DATED JANUARY 3, 1975

The above-captioned Application is hereby amended as follows:

1. Paragraph F of Exhibit C to the Application is amended by deleting the last sentence thereof and substituting therefor the following:

Permission is requested to deviate from the requirements of Article 8 to allow the construction of the Project as a multi-family dwelling and the use of the ground floor commercial space for the following described uses:

A. Stores primarily serving the local retail business needs of the residents of the neighborhood, but limited to stores retailing the following: drugs, tobacco products, food, baked goods, books and flowers.

B. Barber shops, beauty shops, shoe repair shops.

C. Banks

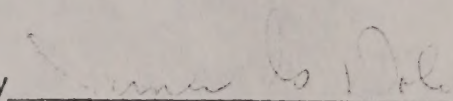
D. Use number 39 in the Boston Zoning Code

E. Use number 40 in the Boston Zoning Code

F. Use number 44 in the Boston Zoning Code

EXECUTED this 18th day of February, 1975.

Frederick S. Clayton  
Douglas DeRusha

By   
Their Attorney



MEMORANDUM

MARCH 6, 1975

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: JAMAICA PLAIN ASSOCIATES  
APPROVAL OF 121A REPORT AND DECISION AND THE FIRST  
AMENDMENT TO THE REPORT AND DECISION WITH STATEMENT OF  
NO SIGNIFICANT ENVIRONMENTAL IMPACT

On February 20, 1975, a public hearing was held for approval of the formation of Jamaica Plain Associates pursuant to Chapter 121A of the General Laws of Massachusetts.

The Applicants sought consent for the formation of a Limited Partnership which entity would construct 147 dwelling units in one structure which varies in height from three (3) to eight (8) stories. The Project is to provide low and moderate income housing and will be financed by the Massachusetts Housing Finance Agency.

As the Report and Decision indicates, several community meetings have been held on the Project. Participating in these meetings have been representatives of the Authority, MHFA, the developer and community groups. As a result of such meetings various design modifications have been implemented. Specifically, as noted in the Report and Decision, it has been determined that modification of the building placement sufficiently remedied any detrimental height condition.

Included in the Report and Decision is a modification to deviations contained in Paragraph F of Exhibit E of the Application. The subject deviations included in Paragraph F deal with commercial uses to be permitted in the Project. The modifications were requested by the Authority staff to limit the type of commercial uses allowable. The revised deviations have been reviewed and approved by the Urban Design and Planning Staffs. In the opinion of the General Counsel, the request for modification to the subject deviations constitute a minor amendment and does not require a public hearing for the deviations.

The Authority has also made inquiry into the Environmental Impact of the Project pursuant to Sections 61 and 62 of Chapter 30 of the Massachusetts General Laws. The proposal for Jamaica Plain Associates has thus been examined both as to its Environmental Impact and as to its compliance with 121A criteria and is found fully acceptable.

It is therefore appropriate at this time that the Authority adopt the Report and Decision with the First Amendment to the Report and Decision for Jamaica Plain Associates and approve the Project as having no significant Environmental Impact.

An Appropriate Vote is Attached.

Attachment



VOTED: That the document presented at this meeting entitled, "Report and Decision on the Application of Jamaica Plain Associates for Authorization and Approval of a Project under Massachusetts General Laws (Ter.Ed.), as amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried out by a Limited Partnership Formed under Massachusetts General Laws, Chapter 109, and Approval to Act As an Urban Redevelopment Limited Partnership under said Chapter 121A", which includes the document entitled, "First Amendment to Application by Fredrick D. Clayton and Douglas DeRusha to Boston Redevelopment Authority dated January 3, 1975," and which also includes a determination by the Authority that said Project has no significant Environmental Impact, be and hereby is approved and adopted.



